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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,595	02/18/2004	Tom Chin	030482	5150

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/05/2007.

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Office Action Summary

Application No.

10/782,595

Applicant(s)

CHIN ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 recites the limitation "the transmit clock" in line 2 of page 15. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 10, 23, 28, 31, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "approximately" in claims 10, 23, 28, 31, and 43 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11, 14-20, 24, 25, 34, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Suda, US Patent Application Publication Number 2002/0065117 (hereinafter Suda).

Regarding claims 11, 14, 24, 34, and 44, Suda discloses a method for multiple access attempts in a communication network, the method comprising steps of: a step for sending and receiving signals between a mobile station having a battery and a base station system via an air interface link; and a step for governing the transmission of the signals by controlling activation periods of the battery's current flow to the transmit clock according to a predetermined time interval [paragraphs 0002, 0017, 0020, 0022, 0023, 0031].

Regarding claim 15, Suda discloses the mobile station operates in a CDMA wireless network [paragraph 0011].

Regarding claim 16, it is inherent that a base station system comprises a receiving device receiving signals from the sending device.

Regarding claim 17, it is inherent that the link comprises an air interface link.

Regarding claim 18, Suda discloses the mobile station comprises a mobile telephone [paragraph 0041].

Regarding claims 19 and 20, Suda discloses the mobile station includes a transmit clock and a timer [paragraph 0041].

Regarding claim 25, Suda discloses the mobile station further comprises a transmit clock and a timer and the power device comprises a battery [paragraphs 0017, 0022, 0041].

6. Claims 1-7, 11, 12, 14-20, 24-26, 29, 32-37, 40 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Applicant's submission of prior art, Li et al., US Patent Application Publication Number 2003/0026324 (hereinafter Li).

Regarding claims 1, 7, 11, 12, 14, 24, 26, 29, 34, 35, 40, and 44, Li discloses a method for reducing delay during a multiple access attempt exchange in a sending device with a power device, a transmit clock, and a control device; and a link, the method comprising steps of: a.) determining if the transmit clock is stopped; b.) if the transmit clock is stopped, activating the power device; powering the transmit clock via the power device; and starting the transmit clock and synchronizing the transmit clock and associated PN generators with system time; c.) sending one or more access probes from the sending device to a receiving device via the link; and d. deactivating the power device after lapse of a predetermined time interval measured by the control device [abstract; paragraphs 0015-0017, 0038-0041, 0071].

Regarding claims 2, 15, 32, 33, 36, and 37, Li discloses the mobile station operates in a CDMA wireless network [fig. 1; paragraph 0002].

Regarding claims 3 and 18, Li discloses the sending device comprises a mobile telephone [fig. 1].

Regarding claims 4 and 16, Li discloses the receiving device is a base station system [fig. 1].

Regarding claims 5, 19, 20, and 25, Li discloses the mobile station further comprises a transmit clock and a timer and the power device comprises a battery [paragraph 0039 (it is inherent that mobile stations comprise a battery)].

Regarding claims 6 and 17, Li discloses the link comprises an air interface link [fig. 1].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-10, 13, 21-23, 27, 28, 30, 31, 38, 39, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li.

Regarding claims 22 and 28, Li discloses a wireless communication network comprising: a mobile station for sending and receiving signals, the mobile station having mobile equipment comprising: a battery; a transmit clock; and a timer; a base station system for sending and receiving the signals to and from the mobile station; an air interface link for carrying the signals to and from the mobile station and the base station system; and a set of timing modules for governing the transmission of the signals, the set of timing modules comprising: an activation module for activating the battery's

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current flow to the transmit clock; a start and synchronization module for starting the transmit clock and synchronizing the transmit clock and associated PN generators with CDMA system time after the activation module has activated the battery's current flow to the transmit clock; a probe module for sending a series of access probes from the mobile station to the base station system after the start and synchronization module has started the transmit clock and synchronized the transmit clock and associated PN generators with CDMA system time; a start timer for setting the timer for a predetermined time interval after the probe module has sent a series of probes and, upon expiration of the start timer, deactivating the battery's current flow to the transmit clock and stopping the transmit clock; and a stop timer for stopping the timer if successive access attempts are to be initiated and the timer has not expired [abstract; paragraphs 0015-0017, 0038-0041, 0071].

What Li does not specifically disclose is that the predetermined time interval is in a range of one to five seconds or two seconds. However, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a specific range. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Further, Applicant admits that the predetermined time interval may vary according to specific application and objectives [Applicant's specification, paragraph 0027]. Therefore, it is obvious that the specific range lacks criticality to the overall function of the invention.

Regarding claims 8-10, 13, 21, 23, 27, 30, 31, 38, 39, and 41-43, Li does not specifically disclose that the predetermined time interval is in a range of one to five seconds, two to four seconds, or two seconds. However, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a specific range. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Further, Applicant admits that the predetermined time interval may vary according to specific application and objectives [Applicant's specification, paragraph 0027]. Therefore, it is obvious that the specific range lacks criticality to the overall function of the invention.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG
January 30, 2007



ERIKA A. GARY
PRIMARY EXAMINER